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December 11, 2014

BY ECF

Honorable Judge Vera M. Scanlon
United States Magistrate Judge
Eastern District of New York
225 Camden Plaza East
Brooklyn, New York 11201

Re: Vincenzo Gavrity v. City of New York, et al.
12-CV-6004 (KAM)(VMS)

Your Honor:

I am an Assistant Corporation Counsel in the office of Michael A. Cardozo, Corporation Counsel of the City of New York, representing defendants City of New York, Police Officer Jose Tabora, Police Officer David Figueroa, Police Sergeant Joseph Durante, Police Lieutenant Richard Perullo, Police Officer Timothy Neis, and Police Officer Jan Folvarksy ("City defendants") in the above-referenced matter. I am writing on behalf of the parties to inform the Court that the action has settled in principle, through the plaintiff's acceptance of the City's Offer of Judgment Pursuant to Rule 68, which was previously made on December 26, 2013¹. The parties have agreed at this time to attempt to resolve plaintiff's attorney's fees claim (through the date the Rule 68 offer was made), and if we are successful the parties will file a global Stipulation of Settlement and Order of Dismissal. If the parties are unable to resolve plaintiff's claims for attorney's fees we will promptly advise the Court. The parties also respectfully request that the conference scheduled for December 22, 2014 at 9 a.m. be adjourned *sine die*.

¹ As noted in the settlement conference on November 20, 2014, the acceptance of this Rule 68 would function as though it was accepted in timely fashion, or within fourteen (14) days after the offer was made; that is, the attorneys' fees would be cut off on December 26, 2013. Although the Rule 68 long ago expired, the City has agreed to honor it in order to resolve this matter.

Thank you for your consideration of this matter.

Respectfully submitted,

/s/

Melissa Wachs
Senior Counsel

Arthur. G. Larkin
Senior Counsel

Special Federal Litigation Division

cc:

Vitali Rosenfeld, Esq (By ECF)
Attorney for Plaintiff